

Article - State Finance and Procurement

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§5-7A-02.

(a) (1) Except as provided in paragraph (2) of this subsection, with respect to a State public works, transportation, or major capital improvement project funded through State or federal funds, the State may not provide State funding for the project if the project is not consistent with:

(i) the State Economic Growth, Resource Protection, and Planning Policy established in § 5-7A-01 of this subtitle; or

(ii) the local plan of the jurisdiction in which the project is located.

(2) The State may provide State funding for a State public works, transportation, or major capital improvement project funded through State or federal funds which is not consistent with the policy or plan under paragraph (1) of this subsection if the State determines that extraordinary circumstances exist that warrant proceeding with the project and that no reasonably feasible alternative exists.

(b) (1) Except as provided in paragraph (2) of this subsection with respect to a local construction project involving the use of State funds, grants, loans, loan guaranties, or insurance, a local jurisdiction may not approve or construct the project unless the project is consistent with the local plan.

(2) A local jurisdiction may approve and construct a local construction project which is inconsistent with the local plan under paragraph (1) of this subsection if the local jurisdiction determines that extraordinary circumstances exist that warrant proceeding with the project and that no reasonably feasible alternative exists.

(c) By December 1, 1992 the Governor shall establish procedures for review of State projects under subsection (a) of this section, and each local jurisdiction shall establish procedures for the review of local projects under subsection (b) of this section, to:

(1) ensure that the projects are consistent with their respective policy and plans; and

(2) evaluate extraordinary circumstances under subsections (a)(2) and (b)(2) of this section, respectively.

(d) Each local jurisdiction shall report on or before February 1 of each year to the State Economic Growth, Resource Protection, and Planning Commission on the number and type of projects approved under subsection (b)(2) of this section during the preceding calendar year, including a description of the extraordinary circumstances existing and the alternatives considered, together with any additional information required by the Commission.

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